

**In the
Indiana Supreme Court**

Dennis HOFFMAN, Merle Hoffman,
Eric Harvey and Angela Harvey
Plaintiffs

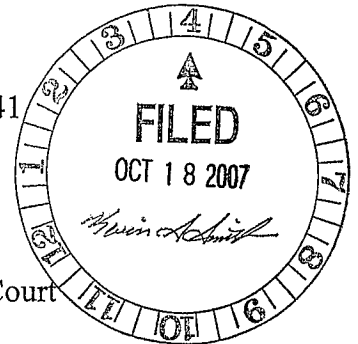
vs.

WCC EQUITY PARTNERS, L.P., Eaton
Excavating, Inc., a/k/a Eaton Excavating
Benchmark Consulting, Inc.
Defendants.

) Supreme Court No. 54S00-0710-SJ-378

) Case No. 54C01-0608-PL-341

) in the Montgomery Circuit Court



ORDER APPOINTING SPECIAL JUDGE

Comes now the Clerk of the Montgomery Circuit Court, and pursuant to Ind. Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that a special judge should be appointed to hear this matter in the Montgomery Circuit Court pursuant to Ind. Trial Rule 53.1.

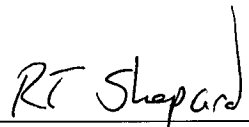
IT IS, THEREFORE, ORDERED that jurisdiction of this matter is withdrawn from the Honorable Thomas K. Milligan, who is directed to file a report with the Indiana Supreme Court pursuant to Ind. Trial Rule 53.1(F).

IT IS THEREFORE, FURTHER ORDERED that the Honorable David A. Ault is appointed as special judge to hear this matter in the Montgomery Circuit Court. This order vests jurisdiction in Judge Ault. Pursuant to Ind. Trial Rule 79(K), an oath of office is not required.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Thomas K. Milligan, Montgomery Circuit Court, 100 East Main Street, Crawfordsville, IN 47933-1715; to the Hon. David A. Ault, Montgomery Superior Court, 100 East Main Street, Crawfordsville, IN 47933-1715; and to the Clerk of the Montgomery Circuit Court.

The Clerk of the Montgomery Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 18th day of October, 2007.



Randall T. Shepard
Chief Justice of Indiana